

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

GATEWAY SPINE & JOINT LLC)
Movant,)
v.) Case No. _____
K&B TRANSPORTATION and)
GERALD BOUTWELL,)
Respondents.)

**NON-PARTY GATEWAY SPINE & JOINT LLC'S
MOTION FOR PROTECTIVE ORDER AND TO QUASH SUBPOENA IN PART**

Respondents K&B Transportation and Gerald Boutwell have served on Movant Gateway Spine & Joint LLC a subpoena to produce documents and for a Rule 30(b)(6) deposition (the “Subpoena”) in a personal injury lawsuit pending in the United States District Court for the Southern District of Illinois and captioned *Kaitlyn P. Pruitt v. K&B Transportation, et. al.*, Case No. 3:20-cv-750-NJR (hereinafter, the “underlying action”). The Subpoena, dated August 1, 2022, directs a corporate representative of Gateway to appear for deposition on August 22, 2022 in St. Louis, Missouri, and testify about eleven topics. The Subpoena also directs Gateway to produce all documents and tangible things in response to fifteen separate document requests. Gateway moves this Court under Federal Rules of Civil Procedure 26 and 45 for a protective order forbidding discovery of and quashing two of the deposition topics and four of the document requests.

This Court is the proper venue for this Motion because the Subpoena requires compliance in this District—specifically, in St. Louis, Missouri. *See* Fed. R. Civ. P. 45(d)(3) (“The court for the district where compliance is required must quash or modify a subpoena that,” for example,

“subjects a person to undue burden.”); Fed. R. Civ. P. 26(c) (permitting party to move for a protective order, “on matters relating to a deposition,” in the district where the deposition will be taken).

WHEREFORE, for these reasons, and for those in Gateway’s Memorandum in Support filed contemporaneously herewith, Gateway respectfully requests this Court quash and/or forbid discovery of Document Request Nos. 2 and 9, and Deposition Topic Nos. 6-8, and 11.¹

Dated: August 15, 2022

Respectfully submitted,

DOWD BENNETT LLP

By: /s/ James B. Martin

James B. Martin #70219MO
7733 Forsyth Blvd., Suite 1900
St. Louis, MO 63105
Telephone: (314) 889-7300
Facsimile: (314) 863-2111
jbmartin@dowdbennett.com

*Attorneys for Movant Gateway Spine & Joint
LLC*

¹ Counsel for Gateway conferred multiple times via teleconference and email with counsel for Respondents, but could not reach agreement on the topics and requests that are the subject of this Motion.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 15, 2022, a copy of the foregoing was served via email on counsel for Respondents, who agreed in advance to accept service of Gateway's Motion via email.

/s/ James B. Martin